

**ITEM No ...3.....**

**REPORT TO:** POLICY AND RESOURCES COMMITTEE - 21 JUNE 2021  
**REPORT ON:** ADOPTION OF COSLA GUIDANCE ON FAMILY LEAVE AND MENOPAUSE  
**REPORT BY:** CHIEF EXECUTIVE  
**REPORT NO:** 184-2021

**1.0 PURPOSE OF REPORT**

1.1 To recommend the adoption of guidance produced by COSLA on family leave and menopause which is intended to support elected members and potential elected members in their participation in the democratic process.

**2.0 RECOMMENDATIONS**

It is recommended that:

- (i) Dundee City Council should adopt the Family Leave Guidance set out in Appendix 1 which provides for elected members to take maternity/paternity/shared parental/adoption leave; and
- (ii) Dundee City Council should adopt the Menopause Guidance set out in Appendix 2 which recognises the physical and psychological impact of the menopause and provides for support including adjustments to working conditions and signposting to other advice.

**3.0 FINANCIAL IMPLICATIONS**

- 3.1 At present the costs associated with the implementation of the proposed guidance would require to be met from within existing budgets for Councillors salaries and expenses.
- 3.2 Council officers will continue to work with COSLA to ensure that any additional funding if needed is highlighted to Scottish Government.

**4.0 BARRIERS TO PARTICIPATION IN THE DEMOCRATIC PROCESS**

- 4.1 Dundee City Council aims to support current elected members in their role and to encourage the public to take part in the democratic process, including standing for election in future. This requires that consideration be given to any barriers that may prevent or limit that participation.
- 4.2 Councillors deal with a multitude of competing demands and, unlike employees, are not covered by any legal provisions relating to family leave. The unique role of an elected member, coupled with a lack of those rights which are afforded to employees, means there are barriers to ensuring that, for example, those with young families can participate in the democratic process. Many Councils, including Dundee, lag far behind national parliaments in terms of the level of female representation and it is important to recognise the reasons for this and to address any barriers involved. Women who feel pressured to return to work early are at a higher risk of postnatal depression amongst other serious considerations, while not having a clear policy on maternity may also deter female members of the community from standing for election.
- 4.3 As well as childcare issues, another issue facing female members or potential members is the physical and psychological impact of the menopause. It is estimated that around 1 in 3 women in the UK are either currently going through or have reached the menopause. The menopause affects all women, and it can often also indirectly affect their partners, families and colleagues. Studies have shown that three out of four women experience symptoms associated with the menopause, with one in four potentially experiencing serious symptoms.

## **5.0 PROPOSALS FOR CHANGE**

### **Family Leave**

- 5.1 COSLA have produced guidance on Family Leave for Councillors after members identified the absence of formal family leave as a key barrier preventing individuals from standing or re-standing for elected office. Further to this, in response to a recommendation from COSLA, the Scottish Government has amended legislation to ensure that Councillors can receive payment whilst on family leave. These amendments increase the flexibility which local authorities have when granting paid leave - including maternity, paternity, shared and adoption leave - ensuring that Councillors can continue to receive payment at an appropriate level. The aim is that this will encourage a wider range of people to stand for office, breaking down barriers for many.
- 5.2 It is proposed that Dundee City Council should adopt COSLA's Family Leave Guidance which is summarised in Appendix 1, including provision for elected members to take maternity/paternity/shared parental/adoption leave. Whilst there is no legal right to family leave of any kind for people in elected public office, the objective of this voluntary guidance is to ensure that, insofar as is possible, elected members can take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for Conveners and others in receipt of Special Responsibility Allowances during any period of leave taken.

### **Menopause Guidance**

- 5.3 COSLA has adopted Menopause Guidance for Councillors which aims to ensure that Members' Services and others supporting Councillors are aware of the menopause and how it can impact individuals; that an environment is created where Councillors feel confident to raise issues about their symptoms and ask for adjustments when undertaking their duties; and that those supporting Councillors have a clear process to follow with regard to how to support those who raise menopause related issues and know where to signpost them for additional support.
- 5.4 It is proposed that the City Council should adopt COSLA's Menopause Guidance which is attached as Appendix 2.

## **6.0 POLICY IMPLICATIONS**

- 6.1 This report has been subject to an assessment of any impacts on equality and diversity, fairness and poverty, environment and corporate risk. A copy of the Impact Assessment is available on the Council's website at [www.dundee.gov.uk/ia/reports](http://www.dundee.gov.uk/ia/reports)
- 6.2 This report recognises that the need to balance the demands placed on elected members by work and home life may be a source of pressure and a deterrent to participation in the democratic process. Approval of this report will ensure that the commitment which Dundee City Council has to improving the health and wellbeing of its employees, by introducing and promoting policies which support healthier lifestyles and better work-life balance, also applies to Councillors. Approval of the guidance on Family Leave will contribute towards increasing the diversity of experience, age and background of Councillors and help make public office more accessible to individuals who might otherwise feel excluded. Approval of the guidance on Menopause will enable equality of opportunity by providing appropriate support.

## **7.0 CONSULTATIONS**

- 7.1 The Council Management Team was consulted in the preparation of this report.

## **8.0 BACKGROUND PAPERS**

None

## **COSLA GUIDANCE ON FAMILY LEAVE FOR COUNCILLORS**

### **Rights to Leave**

The objective of this guidance is to ensure that, insofar as is possible, elected members can take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for Conveners and others in receipt of Special Responsibility Allowances (SRAs) during any period of leave taken.

The rights as set out in the guidance extend to (1) maternity, paternity, shared parental and adoption leave and (2) pay during maternity, paternity, shared parental and adoption related leave only.

This guidance is to be implemented on a voluntary basis and confers no contractual, nor worker/employment status. The guidance can be amended or withdrawn at any time. Councillors continue to retain their status as office holders. Individuals who are employees or workers of the Local Authority will be entitled to any additional rights associated with family leave by virtue of their employment status and associated policies. No such additional rights, over and above what is set out in the guidance, shall apply to elected members and nothing in the guidance shall render elected members as employees or workers.

### **Periods of Leave**

The key points to note are:

- Members giving birth are entitled to up to 6 months maternity leave from 28 days before their due date.
- In addition, where the birth is premature, the member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period.
- Members shall be entitled to take a maximum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

### **Basic Allowance**

All members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

### **Special Responsibility Allowances**

The payment of SRAs, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave, shall continue for a period of six months, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.

Should a member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one SRA shall apply. Unless the member taking leave is removed from their post whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

### **Resigning from Office and Elections**

If a member decides not to return at the end of their maternity, paternity, shared parental or adoption leave, they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date. If an election is held during the member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

(This guidance is in line with, and is a high level summary of, detailed guidance produced by COSLA which is available at [https://www.cosla.gov.uk/data/assets/pdf\\_file/0027/17838/Family-Leave-Guidance-May-2020.pdf](https://www.cosla.gov.uk/data/assets/pdf_file/0027/17838/Family-Leave-Guidance-May-2020.pdf)).

## COSLA GUIDANCE ON MENOPAUSE

### 1. Aims

This guidance has a number of aims:

- 1.1 Members' Services and others supporting Councillors are aware of the menopause, related issues and how they can impact individuals.
- 1.2 An environment is created where Councillors feel confident to raise issues about their symptoms and ask for adjustments when undertaking their duties.
- 1.3 Member Services and others supporting Councillors have a clear process to follow with regard to how to support Councillors who raise menopause related issues and know where to signpost them for additional support.
- 1.4 Absenteeism due to menopausal symptoms is minimalised.

### 2. Scope

- 2.1 This guidance applies to all elected members of the Council.

### 3. Definitions

- 3.1 **Menopause** is defined as the biological stage when an individual stops menstruating and reaches the end of their natural reproductive life. The menopause is sometimes known as the 'change of life' and, if occurring naturally, is defined as having occurred when no period is experienced for twelve consecutive months. The average age to reach menopause is 51 but it can be earlier or later than this due to surgery, illness or other reasons. Those going through menopause may experience both physical and emotional symptoms.
- 3.2 **Perimenopause** is the time leading up to menopause when changes such as irregular periods or other menopausal symptoms may be experienced. This can be years before menopause.
- 3.3 **Post-menopause** is the time after menopause has occurred, starting when no period has occurred for twelve consecutive months.

For the purpose of this guidance 'menopause' refers to all stages of this process and the symptoms that might relate to them.

### 4. Symptoms of Menopause

- 4.1 Whilst 75% of those going through menopause experience some symptoms, and 25% could be classed as severe, it is important to note that not everyone will experience/notice every symptom, or even need help or support.
- 4.2 Symptoms can manifest both physically and psychologically including, hot flushes, sweats, poor concentration, insomnia, headaches, panic attacks, heavy/light periods, anxiety, loss of confidence and difficulty sleeping.

### 5. Roles and Responsibilities

- 5.1 Councillors are responsible for:

- Taking personal responsibility to look after their health.
- Being open and honest in conversations with member services/supporting officers should they require support.
- Being willing to help and support their colleagues.

## 5.2 **Members' Services and others involved in supporting elected members should:**

- Familiarise themselves with the Menopause Guidance.
- Be ready and willing to have open discussions about menopause, appreciating the personal nature of the conversation, and treating the discussion sensitively and professionally.
- Use the additional guidance below, signposting and reviewing together, before agreeing with the individual how best they can be supported.
- Record support agreed, and actions to be implemented.
- Ensure ongoing conversations take place and set review dates.
- Ensure that all support agreed is adhered to. Update the Confidential Discussion Template (copy below) and continue to review.

We recognise that everyone is different, and it is, therefore, not feasible to set out a structured set of specific guidelines.

If a Councillor wishes to speak about their symptoms, or just to talk about how they are feeling (they may not recognise themselves that they are symptomatic), or if a Councillor wishes to speak about a family member, please ensure that you:

- Allow adequate time to have the conversation.
- Find an appropriate room to preserve confidentiality.
- Encourage them to speak openly and honestly.
- Suggest ways in which they can be supported (see symptoms below) - provide the Menopause Advice Factsheet if appropriate - [www.womens-health-concern.org/help-and-advice/factsheets/menopause/](http://www.womens-health-concern.org/help-and-advice/factsheets/menopause/).
- Agree actions, and how to implement them (you should use the template below to record the meeting), so that all parties agree what has been discussed, and the next steps, before the meeting ends. Ensure that this record is treated as confidential and is stored securely.
- Agree if other members of the team should be informed, and by whom.
- Ensure that designated time is allowed for a follow up meeting.

### **Symptoms Support**

Symptoms can manifest both physically and psychologically and support should be considered as detailed below:

#### **Hot Flashes**

- Request temperature control for their desk area, such as a fan on their desk (consider environmentally friendly options) or moving near a window, or away from a heat source.
- Easy access to drinking water.
- Have access to a rest room for breaks if their duties involve long periods of standing or sitting, or a quiet area if they need to manage a severe hot flush.

#### **Heavy/Light periods**

- Have access to toilet facilities.

#### **Headaches**

- Have ease of access to fresh drinking water
- Have time out to take medication if needed.

#### **Difficulty Sleeping**

- Consider how workload can best be managed if suffering from a lack of sleep.

#### **Low Mood**

- Identify a 'time out space' to be able to go to 'clear their head'.

### Loss of Confidence

- Ensure there are regular Personal Development Discussions.
- Have time with their supporting officers to discuss any issues.
- Discuss if there are times of the day when concentration is better or worse and adjust working pattern/practice accordingly.

### Anxiety

- Undertake mindfulness activities such as breathing exercises or going for a walk.

### Panic Attacks

- Undertake mindfulness activities such as breathing exercises or going for a walk.

Additional support information can be found at:

- [www.nhs.uk/conditions/menopause](http://www.nhs.uk/conditions/menopause)
- [www.menopausematters.co.uk](http://www.menopausematters.co.uk)
- [www.womens-health-concern.org/help-and-advice/factsheets/menopause](http://www.womens-health-concern.org/help-and-advice/factsheets/menopause)

### Confidential Discussion - Template

Name:	
Location of Work:	
Officer Name:	
Date of Discussion	

### Summary of Discussion

### Agreed Actions/Adjustments

Date of next Review Meeting .....

(This guidance is a summary of detailed guidance produced by COSLA which is available at: [https://www.cosla.gov.uk/\\_data/assets/pdf\\_file/0023/18662/Menopause-Guidance-for-Councillors.pdf\\_nocache](https://www.cosla.gov.uk/_data/assets/pdf_file/0023/18662/Menopause-Guidance-for-Councillors.pdf_nocache)).